NO. _____

IN THE

Supreme Court of the United States

LOUIS B. ANTONACCI,

Petitioner,

v.

RAHM ISRAEL EMANUEL, *et. al.*,

Respondents.

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

PETITION FOR A WRIT OF CERTIORARI

LOUIS B. ANTONACCI
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Petitioner and Counsel of Record

QUESTIONS PRESENTED

Whether Petitioner Antonacci has properly alleged, in federal court cases spanning ten years, that Respondents Perkins Coie LLP and their former General Counsel, Matthew J. Gehringer, are the architects and administrators of a criminal RICO enterprise that has engaged in a pattern of racketeering activity against Antonacci, a private U.S. citizen, in retaliation for his protected speech against Respondents Seyfarth Shaw LLP, Rahm Emanuel and corrupt Democratic politics, including cyberespionage performed without a warrant or with fraudulently obtained warrants.

Whether the district court erred in dismissing the complaint for lack of subject matter jurisdiction, and the Fourth Circuit therefore erred in affirming that ruling.

Whether Antonacci states claims under 18 U.S.C. §1962 (a), (b), (c) and/or (d) in the instant complaint.

Whether Antonacci states a claim under 18 U.S.C. §1030 in the instant complaint.

Whether the district court erred in failing to enter default against respondent BEAN LLC d/b/a Fusion GPS.

Whether Antonacci stated claims under 18 U.S.C. §1962 (a), (b), (c) and/or (d) in his 2015 complaint in the Northern District of Illinois, and this Court should therefore overrule *Antonacci v. City of Chicago*, 2015 WL 13039605 (N.D. Ill. May 5, 2015) and *Antonacci v. City of Chicago*, 640 F. App'x 553 (7th Cir. 2016).

Whether Antonacci is being denied due process of law, in retaliation for his protected speech, by the prejudicial, unfounded and plainly-biased rulings of District Judge Nachmanoff and Magistrate Judge Vaala, when viewed in conjunction with the acts of the Fourth Circuit Clerk's and the Fourth Circuit Court's failure to timely rule on

Petitioner's Appeal, the Virginia State Bar's unconstitutional attack on Antonacci's Bar license, which is clearly meant to prevent him from further prosecuting his causes of action against the criminal enterprise alleged in his complaint, and the litany of unfounded and plainly prejudicial rulings of the Democrat-controlled courts in Chicago, together with the Supreme Court of Illinois's Committee on Character and Fitness declining to admit Antonacci to the Illinois Bar, despite his being licensed in three other jurisdictions and never having any disciplinary issue.

Whether the district court denied Antonacci due process of law by granting the respondents' motions for protective orders without an oral argument, when Antonacci propounded only discrete requests for admission that sought to establish the veracity of key allegations, two days before those requests for admission would have been deemed admitted, only to later dismiss his complaint by incorrectly reasoning that his allegations are implausible.

Whether District Judge Nachmanoff should be removed on remand because his cancellation of every hearing, granting every request of the respondents, denying Antonacci's every request, and lack of cogent reasoning in his five-page order together demonstrate either unmistakable bias or the inability to handle this matter in accordance with the U.S. Constitution.

PARTIES TO THE PROCEEDING

Petitioner is Louis B. Antonacci.

Respondents are Rahm Israel Emanuel, Paul J. Kiernan, Stephen B. Shapiro, Holland & Knight LLP, Seyfarth Shaw LLP, Perkins Coie LLP, Matthew J. Gehringer, Seth T. Firmender, Storij, Inc. d/b/a STOR Technologies d/b/a The So Company d/b/a Driggs Research International, BEAN LLC d/b/a Fusion GPS, ROKK Solutions LLC, FTI Consulting, Inc., and Derran Eaddy.

RELATED PROCEEDINGS

United States Court of Appeals (4th Cir.)

Louis B. Antonacci v. Rahm Israel Emanuel, et. al., No. 24-1544(L) (opinion and judgment entered April 9, 2025)

Louis B. Antonacci v. BEAN LLC d/b/a Fusion GPS, No. 24-1545 (consolidated with 24-1544)

United States Supreme Court

In Re Louis B. Antonacci, Sup. Ct. No 24-1013 (petition for a writ of mandamus, docketed March 19, 2025)

United States District Court (E.D. Va.)

Louis B. Antonacci v. Rahm Israel Emanuel, et. al., No. 1:24-cv-00127 (appealable orders issued May 23, 2024 and June 7, 2024)

The Supreme Court of Virginia

Virginia State Bar v. Louis B. Antonacci, Record No. 250235 (petition for review of denial of preliminary injunction filed March 21, 2025)

Circuit Court for the City of Alexandria

Virginia State Bar v. Louis B. Antonacci, Case No. CL25000531 (rule to show cause issued March 7, 2025, denying Antonacci's petition for preliminary injunction)

The Supreme Court of Virginia

Louis B. Antonacci v . Renu Brennan, et. al., Record No. 250106 (petition for writs of prohibition and mandamus filed February 7, 2025)

United States Court of Appeals (7th Cir.)

Antonacci v. City of Chicago, 640 F. App'x 553 (March 18, 2016)

United States District Court (N.D. Ill.)

Antonacci v. City of Chicago, 2015 WL 13039605 (May 5, 2015)

Appellate Court of Illinois, First District, First Division (Chicago, Ill.)

Antonacci v. Seyfarth Shaw, et. al., 39 N.E.3d 225 (Aug. 17, 2015)

Cook County Circuit Court, Law Division (Chicago, Ill.)

Antonacci v. Seyfarth Shaw, et. al., No. 12-L-13240 (July 23, 2014 order dismissing first amended complaint)

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PETITION FOR A WRIT OF CERTIORARI

Petitioner Louis B. Antonacci ("Antonacci") respectfully petitions this Court for a writ of certiorari to review the judgment of the United States Court of Appeals for the Fourth Circuit affirming the United States District Court for the Eastern District of Virginia. Because Antonacci has been denied due process of law in his dispute against the instant respondents for at least twelve years, Antonacci respectfully requests this Court issue summary disposition on the merits, pursuant to Rule 16.1.

OPINIONS BELOW

The Fourth Circuit's April 9, 2025 opinion affirming the district court is unpublished and reproduced at app. 4a. Its judgment is reproduced at app. 1a. Magistrate Judge Vaala's June 7, 2024 order denying Antonacci's request for entry of default against respondent BEAN LLC d/b/a Fusion GPS is also unpublished and reproduced at app. 25a. District Judge Michael Nachmanoff's May 23, 2024 order dismissing Antonacci's complaint for want of subject matter jurisdiction, and ruling as moot Antonacci's objections to Magistrate Valaa's April 8, 2024 order granting defendants' motions for protective order, is unpublished and reproduced at app. 15a. Magistrate Vaala's April 8, 2024 order is reproduced at app. 22a.

JURISDICTION

The Fourth Circuit issued its per curiam opinion April 9, 2025. This Court has jurisdiction pursuant to 28 U.S.C.

§1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

This case involves the following constitutional and statutory provisions:

U.S. Const. Amend. I, which states, in relevant part, "Congress shall make no law…abridging the freedom of speech…or the right of the people…to petition the Government for a redress of grievances."

U.S Const. Amend V, which states, in relevant part, "[n]o person shall be . . . deprived of life, liberty, or property, without due process of law."

U.S Const. Amend VII, which states, in relevant part, "[i]n suits at common law, where the value of the controversy shall exceed twenty dollars, the right of trial by jury shall be preserved...".

U.S Const. Amend XIV, §1, which states, in relevant part:

> No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

18 U.S.C. §241 "Conspiracy against rights," which states, in relevant part,

> [i]f two or more persons conspire to injure, oppress, threaten, or intimidate any person in

> any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same… They shall be fined under this title or imprisoned not more than ten years, or both;

18 U.S.C. §242 "Deprivation of rights under color of law," which states, in relevant part,

> Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both;

28 U.S.C. §1254(1) "Courts of appeals; certiorari," which states, in relevant part, "[c]ases in the courts of appeals may be reviewed by the Supreme Court by the following methods:(1) By writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree;".

28 U.S.C. §1331 "Federal Questions," which states, in its entirety, "[t]he district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States."

Virginia Const., Art. I, sec. 11 "Due process of law;

obligation of contracts; taking or damaging of private property; prohibited discrimination; jury trial in civil cases," which states, in relevant part,

> [t]hat no person shall be deprived of his life, liberty, or property without due process of law;…
>
> That in controversies respecting property, and in suits between man and man, trial by jury is preferable to any other, and ought to be held sacred.

Virginia Const., Art. I, sec. 12 "Freedom of speech and of the press; right peaceably to assemble, and to petition," which states, in relevant part, "[t]hat the freedoms of speech and of the press are among the great bulwarks of liberty, and can never be restrained except by despotic governments; that any citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right;"

The following statutory provisions are also involved in this case:

This case also involves the following executive order:

INTRODUCTION

This case, like Antonacci's previous cases in Chicago, showcases the breakdown of the rule of law in this country. Antonacci has plainly alleged civil RICO violations against a band of unscrupulous lawyers, led by Perkins Coie LLP, and one politician, together with the deep state tools they use to spy on their targets illegally, and the strategic communications firms they use to defame their targets and aggrandize themselves. Like his previous case in Chicago, Antonacci alleged the nature of the enterprise, all elements of the predicate acts, and the open-ended pattern of their racketeering activity, which the respondents continue to demonstrate. Yet the lower courts again ruled that Antonacci cannot even invoke subject-matter jurisdiction.

The proceedings in the lower courts deviated far from the usual course of judicial proceedings, as they did in Chicago. Because the case was prematurely assigned to District Judge Nachmanoff, who was appointed by Joe Biden's administration, which was closely affiliated with respondent Rahm Emanuel, Antonacci anticipated a good show. And the district court delivered. Antonacci served discrete requests for admission on several of the key respondents, simply asking them to admit or deny a few key allegations in the complaint. They responded by threatening sanctions and moving for protective orders. Of course, not one of the respondents had the gumption to file a Rule 11 motion, because that would have required discovery.

But the district court came to their rescue, granting a

blanket protective order for all the respondents, without even requiring oral argument, and just two days before many of them would have been deemed admitted. The district court waited until all of Antonacci's responses in opposition to the respondents' motions to dismiss were filed to cancel the hearing on those motions. Nachmanoff then issued his magnum opus: a five-page order dismissing a complaint containing 574 discrete allegations and 11 substantiating exhibits, comprising 546 pages, for want of subject-matter jurisdiction.

Before perfecting his appeal, Antonacci requested that the clerk enter default against BEAN LLC d/b/a Fusion GPS, the respondents' primary disinformation machine. Instead, Magistrate Judge Vaala swooped in and denied Antonacci's request for entry of default because the case had already been dismissed for want of subject-matter jurisdiction. It is notable that Fusion GPS, who blatantly evaded service of process, chose to take a default in this case. Their files on Antonacci, a private citizen, would likely send their principals, and many of their co-defendants, to federal prison where they belong.

So Antonacci perfected his appeals. They were fully briefed on September 9, 2024; and on November 11, 2024, Antonacci moved the Court to expedite its decision and the Clerk to refer the case to a panel. The Clerk, by direction of the Court, denied Antonacci's motion within hours. What now seems clear is that the Fourth Circuit was holding up Antonacci's case to give the Virginia State Bar the opportunity to suspend or revoke Antonacci's law license.

To that end, Shaun So, the CEO of one of the defendants, Storij., Inc. d/b/a STOR Technologies d/b/a The So Company d/b/a Driggs Research International, filed a bar complaint against Antonacci with the Virginia State Bar, alleging that the complaint is causing him unnecessary legal expenses. Storij is represented by Crowell & Moring LLP in these proceedings. Storij was also a client of Antonacci's law

firm, Antonacci PLLC f/k/a Antonacci Law PLLC. Storij retained Antonacci Law, immediately after Antonacci filed his 2015 federal suit against this criminal enterprise in Chicago, in order to keep tabs on Antonacci and, ultimately, to hack his protected computers systems and mobile phone to spy on him while another client tried to set him up for a criminal fraud indictment.

But the punchline is that the Virginia State Bar, rather than dismiss Shaun So's complaint, whose only claim of misconduct is that Antonacci is suing his company for fraud, has certified a complaint against Antonacci. And the Virginia State Bar now seeks to adjudicate Shaun So's meritless bar complaint while the basis of that complaint is still in ongoing litigation. This criminal enterprise has flipped the American legal order on its head.

Antonacci has petitioned the Supreme Court of Virginia for writs of mandamus and prohibition barring So's complaint, but that his complaint is being pursued by the Virginia State Bar represents a disregard for due process that has been unknown in this country since the Civil Rights Act. This criminal enterprise is erasing a century of social progress to bring us back to pre-New Deal clientelism. Or worse yet, this criminal enterprise seeks to establish, in this country, the totalitarianism we fought off during two World Wars.

The Fourth Circuit unnecessarily held up Antonacci's appeal for ten months, until he petitioned this Court for a Writ of Mandamus on March 19, 2025. The Fourth Circuit then issued its opinion on April 9, 2025, affirming the district court in a one-paragraph order that simply states it found "no reversible error." Antonacci files this petition for writ of certiorari seeking to demonstrate that we are still a constitutional, democratic republic, that prohibits unlawful racketeering activity and cyberespionage, particularly when perpetrated by officers of our courts and directed at private citizens, that guarantees the right to due process for each of

its citizens.

STATEMENT OF THE CASE

I. Proceedings Below

Antonacci filed the complaint that is the subject of this Petition on February 14, 2024. App. 60a. The complaint asserts five causes of action against thirteen defendants. App. 135a-72a. The claim for damages arising from violations of 18 U.S.C. §1030 (Computer Fraud and Abuse Act or "CFAA") is against only Storij (Count V). App. 171a-72a. The other four causes of action are against all thirteen defendants: Violations of 18 U.S.C. §1962(a), (b), and (c) (Racketeer Influenced and Corrupt Organizations Act or "RICO") by investing, participating, and maintaining an interest in a criminal enterprise (Count I); violations of 18 U.S.C. §1962(d) (RICO Conspiracy) (Count II); violations of Va. Code Ann. §18.2-499 (1950) (Virginia Business Conspiracy) (Count III); and Common Law Civil Conspiracy (Count IV). App. 135a-72a.

All respondents have been properly served with process. Rahm Emanuel was served in February of this year, after refusing service of process in Tokyo. App. 613a. It bears repeating that after Antonacci opened this action in PACER, but before filing this complaint, Gehringer left Perkins Coie, where he was General Counsel. App 67a-68a, 134a, 606a-7a. Gehringer was the architect of the enterprise's criminal conspiracy against Antonacci in Chicago. App. 86a-148a. The fact that Gehringer suddenly disappeared from Perkins Coie, once he got word of this action being initiated, betrays his and Perkins Coie's complicity in the ongoing acts of this enterprise.

Shortly after they entered appearances in the case, Antonacci served discrete requests for admission on six of the respondents: 33 on Matthew J. Gehringer ("Gehringer");

34 on Perkins Coie LLP ("Perkins Coie"); 29 on Paul J. Kiernan ("Kiernan"); 20 on Holland & Knight LLP ("H&K"), 19 on Storij, Inc. d/b/a The So Company d/b/a STOR Technologies d/b/a Driggs Research International ("Storij") (app. 680a-84a); 30 on FTI Consulting, Inc. ("FTI"); and one request to admit genuineness on ROKK Solutions LLC ("ROKK"). Gehringer, Perkins, Storij, Kiernan, and H&K filed motions for protective orders, which Antonacci opposed and the magistrate granted before any of those requests would have been deemed admitted, canceling oral argument. App. 22a. Antonacci filed his timely objections to that ruling.

The respondents separately filed seven motions to dismiss the complaint. The district judge set oral argument on the motion to dismiss filed by FTI for May 3, 2024, and all subsequent dispositive motions were noticed for the same day. App. 34a-35a. On April 26, 2024, after Antonacci filed his oppositions, the district court canceled that hearing. App. 31a.

On May 2, 2024 Antonacci filed his Motion for Leave to Amend his Complaint, as needed, which he noticed for argument on May 24, 2024. On May 13, 2024, the Virginia State Bar served Antonacci with Shaun So's bar complaint. App. 614a-16a, 617a. The district court terminated the hearing on Antonacci's Motion for Leave to Amend on May 22, 2024 (app. 51a), and entered its order dismissing the complaint for want of subject matter jurisdiction on May 23, 2024. App. 15a-21a.

On June 3, 2024, Antonacci filed his request for entry of default against respondent BEAN LLC d/b/a Fusion GPS. The magistrate denied that request on June 7, 2024. App. 25a-26a.

On June 11, 2024, Antonacci perfected his appeals of both the May 23, 2024 (23-1544L) and June 7, 2024 (24-1545) orders. App. 617a-19a. The cases were docketed on June 13,

2024. On June 26, 2024, the clerk consolidated the cases at 24-1544. App. 12a.

Briefing in the Fourth Circuit was completed on September 9, 2024. On November 1, 2024, Antonacci moved the clerk to refer the case to a panel of judges. The clerk, acting on direction from the Court, denied that motion within hours. App. 8a.

On January 19, 2025–the last business day Joe Biden was in office–the Virginia State Bar served Antonacci with its complaint, alleging that Antonacci violated the Virginia Rules of Professional Conduct by suing Storij, his firm's former client. App. 620a-28a. On February 7, 2025, Antonacci filed his Answer and Demand, pursuant to Va. Code § 54.1-3935, with the Virginia State Bar, and his petition for writs of mandamus and prohibition in the Supreme Court of Virginia (Record No. 250106), arguing that Bar Counsel's prosecution of the bar complaint is a denial of due process, because it finds no basis under the Virginia Rules of Professional Conduct, it constitutes unconstitutional retaliation for Antonacci's protected speech against Democratic politics, and because the civil action complained of is ongoing. App. 639a-56a. The Supreme Court of Virginia has not yet acted on the petition, and thus Bar Counsel proceeded with its bar complaint against Antonacci on February 28, 2025. App. 657a-58a.

On March 19, 2025, Antonacci petitioned this Court for writ of mandamus compelling the Fourth Circuit to rule on his Appeal. *See In Re Louis B. Antonacci*, Sup. Ct. Case No. 24-1013. That case was docketed on March 21, 2025. On April 9, 2025, the Fourth Circuit affirmed the ruling of the district court, stating only that it found "no reversible error." App. 7a.

On March 6, 2025, the President of the United States issued Executive Order 14230, titled "Addressing Risks from Perkins Coie LLP." Section 1 of that order states

> Purpose. The dishonest and dangerous

> activity of the law firm Perkins Coie LLP ("Perkins Coie") has affected this country for decades. Notably, in 2016 while representing failed Presidential candidate Hillary Clinton, Perkins Coie hired Fusion GPS, which then manufactured a false "dossier" designed to steal an election. This egregious activity is part of a pattern. Perkins Coie has worked with activist donors including George Soros to judicially overturn popular, necessary, and democratically enacted election laws, including those requiring voter identification. In one such case, a court was forced to sanction Perkins Coie attorneys for an unethical lack of candor before the court.

As further discussed below, for a decade Antonacci has been alleging that Perkins Coie, under the leadership of their previous General Counsel, Matthew J. Gehringer, who fled his firm the moment Antonacci opened this action in PACER, has been the architect of a criminal conspiracy against Antonacci in retaliation for his protected speech against Democratic politics and the unscrupulous lawyers they use to conceal their criminal activity.

II. The Undisputed Allegations in the Complaint

Ever since Antonacci, as an associate of Holland & Knight LLP, filed a RICO complaint implicating a corrupt lawyer in the Eastern District of Virginia in 2009, an insidious criminal enterprise has sought to destroy him. App. 64a-7a. Various false narratives are used to justify their actions, depending on the audience at any particular time; and various actors are used to spread those false narratives. Some of those actors are for-profit enterprises operating in the strategic communications and media space. Those firms develop the

false narratives that the enterprise spreads through actors who have a personal or professional relationship with Antonacci. They are bribed with jobs, work promotions, lucrative business opportunities, or other incentives. Many of those bribes are through public officials. This enterprise's activities are ongoing and nationwide, and they have committed innumerable predicate acts against Antonacci in the Commonwealth of Virginia, the District of Columbia, and Illinois.

Antonacci specifically alleges the following association-in-fact enterprise:

> Specifically, the enterprise is an association- in-fact among individuals and business entities designed to divert taxpayer money to members of the enterprise; destroy the professional reputation of anyone who seeks to expose the nature and extent of the enterprise through fraud, widespread defamation, and murder; protect the members of the enterprise from civil liability by unlawfully influencing the outcome of civil cases, thereby keeping more money in the enterprise; defrauding litigants from monies to which they are legally entitled by unlawfully delaying and sabotaging meritorious civil cases; bribing and otherwise incentivizing people associated with those deemed enemies of this enterprise to spread lies about those "enemies;" punishing attorneys who sue members of the enterprise by preventing them from becoming admitted to practice law; punishing attorneys who sue members of the enterprise by putting them on the Blacklist of disfavored attorneys; illegally infiltrating protected computers to spy on the "enemies" of the enterprise, in some cases through fraudulently obtained search warrants; and protecting the enterprise by unlawfully

> preventing them from obtaining evidence of the enterprise's fraudulent misconduct.

App 135a-36a, 174a-75a.

Antonacci alleges that the H&K Defendants, together with Emanuel, who worked with Paul Kiernan's wife, Leslie Kiernan, in the Obama White House, were the impetus behind this campaign against Antonacci from the outset, because Antonacci, as an associate of Holland & Knight, identified and prosecuted a fraudulent scheme by another member of their criminal enterprise, Gerald I. Katz, so they wanted to prevent him from doing so again by damaging his career, his subsequent business, and discrediting him. App. 70a-83a.

After forcing Antonacci to resign from Holland & Knight and blocking him from receiving another job offer, despite his overwhelming success, this enterprise prevented Antonacci from obtaining employment for sixteen months. App. 74a-79a. Antonacci finally received a job offer from Seyfarth in Chicago, which was a trap set by the H&K Defendants, Seyfarth and Emanuel, who had recently been elected mayor of Chicago. App. 79a-82a. Antonacci's initial work with Seyfarth was exclusively working on reforms to the City of Chicago's affirmative action programs in City procurement, where he worked extensively with the City's Department of Procurement Services. App. 383a-74a.

Antonacci immediately faced comical and nonsensical harassment from Anita Ponder, a long-time city lobbyist and former partner at Seyfarth, and was terminated, with only eight hours of notice, despite generating his own business and successfully supporting other partners there. App. 82a-4a. Antonacci hired a lawyer, Ruth Major, and discovered in his personnel file blatantly defamatory statements made by Ponder. App. 84a.

When Antonacci filed suit against Seyfarth and Anita Ponder in Chicago, they enlisted the help of defendants

Perkins Coie and Gehringer (together with Seyfarth Shaw LLP the "Perkins Defendants"). App. 85a-6a. The Perkins Defendants squeezed Antonacci's lawyer, a Cook County Circuit Court judge, and the Illinois Supreme Court Committee on Character and Fitness to sabotage Antonacci's Circuit Court Case and prevent him from being admitted to the Illinois Bar. App. 56a-107a.

Antonacci moved back to Washington, DC in August of 2013 (app. 97a-8a), opened a law practice, and filed a federal complaint against the Perkins Defendants, and others, in the Northern District of Illinois while his Circuit Court Case was on appeal to Illinois's First Appellate District. App. 106a-7a.

The Perkins Defendants enlisted the strategic communications complex, defendants Fusion GPS, FTI, and ROKK to orchestrate a defamation campaign against Antonacci, further obstructed justice and plotted to have him killed, twice, and indicted via the AECOM Fraud. App. 100a-33a, 659a-62a.

When Antonacci returned to Washington, DC from Chicago, after filing his federal complaint against the Perkins Defendants and others, Antonacci was introduced to Shaun So and Richard Wheeler, principals for Storij, through a political lawyer he has known for years, Charles Galbraith, who worked with Leslie Kiernan and Rahm Emanuel in the Obama White House. App. 107a. As alleged in the complaint, Storij is a front company who retained Antonacci's firm, Antonacci PLLC f/k/a Antonacci Law PLLC, for legal work related to its purported government contracts services. App. 69a, 107a-8a.

In reality, So was tasked to monitor Antonacci and his business and report developments back to the enterprise, so they could thwart any opportunities his business would have for growth. *Id*.

Wheeler was tasked with exploiting Antonacci's

protected computer systems, particularly during the AECOM Fraud, so that the enterprise could monitor Antonacci to determine his plans, strategy, and outlook on the case, in violation of 18 U.S.C. § 1030. App. 122a, 125a-7a, 138a, 149a-51a, 159a-60a, 169a-72a. This information was disseminated to Firmender and David Mancini, counsel for AECOM, possibly through intermediaries in the enterprise. App. 122a, 138a, 131a, 149a-51a, 159a-60a, 168a-1a.

The objective of the AECOM Fraud was to destroy Antonacci's law practice by having him indicted and sued for malpractice. App. 115a-16a. Failing to achieve either of those goals because Antonacci identified Mancini's attempt to file an incomplete contract with AECOM's complaint (app. 125a-38a), and because Antonacci refused to file Lane's fraudulent counterclaim on their behalf (app. 128a-31a, 594a-96a), they settled for surreptitiously defaming Antonacci. App. 138a, 148a-50a. In furtherance of the scheme, Firmender orchestrated the turnover of the key Lane employees with whom Antonacci worked for a year preparing for mediation and subsequent litigation. App. 116a, 135a. Firmender utilized interstate wires to receive and transmit information Storij obtained by illegally hacking into Antonacci's protected computers. App. 122a, 138a, 141a, 149a-51a, 159a-60a, 168a-69a, 171a-72a.

Firmender further collaborated with Mancini, counsel for AECOM, and others, to implement the enterprise's strategy. App. 122a-23a. Firmender ordered the destruction of thousands of documents at Lane with litigation pending, and sought to falsely associate Antonacci with the destruction of those documents, in furtherance of their attempted indictment. App. 115a-16a, 107a-9a.

Firmender not only delayed hiring Deloitte, who was tasked with analyzing Lane's affirmative claims (or "backcharge"), but also ordered Lane personnel to stall getting Antonacci and Deloitte the documents they needed to evaluate Lane's backcharge, to the point where Antonacci

simply brought the Deloitte team to Lane's Chantilly office and stayed there for a week until they had the information they needed. App. 116a, 125a. Firmender further ordered document review work to be stopped numerous times, inexplicably, and further ordered all work on the case halted after Antonacci brought to his attention evidence that contradicted Lane's stated position regarding the Owner Settlement:

> 395 Express-AECOM v LANE-Fairfax Circuit Court CL2020-18128-KPMG Audit/Irregularities
>
> Tue, Jul 20, 2021 at 4:14 PM
>
> From: Louis Antonacci <lou@antonaccilaw.com>
>
> To: "Firmender, Seth T." <STFirmender@laneconstruct.com> Cc: "Wiggins, Allen T." <atwiggins@laneconstruct.com>, " Luzier, Dennis A." <DALuzier@laneconstruct.com>, "Schiller, Mark A." <MASchiller@laneconstruct.com>, "Louis Antonacci" <lou@antonaccilaw.com>, "Accounting Department" <accounting@antonaccilaw.com>
>
> Seth,
>
> As General Counsel of Lane, I presume that you are charged with legal compliance and governance at the Company. If that is not the case, then please forward this to the appropriate party/ies.

There are some irregularities with respect to the subject matter that I want to ensure are brought to your attention. The first is the purported data collection efforts of Jen Dreyer last year. This seems to have resulted in some missing data. And there are some factual inconsistencies being asserted by your IT Department. I emailed you about this under separate cover, so please respond at your convenience.

The second relates to Lane's settlement with the Owner of the subject Project, 95 Express Lane LLC, in the summer of 2019. As I have previously discussed with Allen and the Lane Project Team, the draft settlement agreement with the Owner specifically identifies the claims purported to be resolved by the settlement, while the final settlement agreement executed by the parties more generally applies to all commercial claims between the parties. I addressed this issue in my legal analysis of Lane's backcharge for the purposes of mediation last summer. I've attached that analysis for your reference, as well both versions of the confidential settlement with the Owner.

In preparing my analysis, I asked that Lane provide its understanding of the Owner's treatment of AECOM's claims passed through by Lane. Lane maintains, via its email attached to this firm's memorandum, that the settlement amount was mostly for weather delays impacting Lane, and that the Owner deemed AECOM's design performance unsatisfactory in general, and it considered AECOM's claims largely untimely and otherwise meritless. This firm prepared its analysis with that understanding. I

should note that, in January of last year, I asked Transurban's assistant general counsel, per the request of AECOM's counsel, if we could disclose the executed settlement to AECOM. She declined to waive the confidentiality provision. I also reached out to her in December of last year to notify her that AECOM had filed suit and to ask about the Owner's official position on the settlement. She indicated that her former superior (she did not exactly say but it seemed that she may no longer be with Transurban/95 Express) would get back to me. I never heard back.

As you know, we hired Epiq to assist with document review and production earlier this year. Last month, while doing quality control review of documents tagged as responsive by the review team, I came across some emails from 2018 with Lane's former project manager, Mr. Jason Tracy, and related documents, that required further explanation. We brought Mr. Tracy on as a consultant and I sent him the documents I wanted to discuss and set up a call for June 30, 2021. Just before that call, he sent the documents back to me with a written explanation, which is attached for your review. As you will see, Mr. Tracy indicates that the Owner had represented to him that the Owner did not intend to hold Lane or AECOM responsible for Design Exceptions/ Waivers that arose from defects in the preliminary design. This is contrary to the position taken by Lane in its official responses to AECOM's change order requests. It is unclear to this firm whether the Owner changed that position, but it would also be inconsistent with Lane's position(s) as to the Owner Settlement.

> We should discuss how these alleged facts relate to Lane's positions in this case, as well as Lane's ability to properly assert its purported backcharge as a counterclaim and/or offset.

App. 116a, 127a-30a, 594a-96a.

At that point, Lane owed Antonacci over $230,000 in unpaid legal bills, in breach of its contract with Antonacci PLLC. App. 131a. Firmender left Lane Construction while service was being attempted in this case. App. 644a.

As for Derran Eaddy, Antonacci's federal case in the Northern District of Illinois was dismissed for want of subject matter jurisdiction, *sua sponte*, six days after he filed it. App. 108a. Antonacci appealed to the Seventh Circuit and argued the case before a panel chaired by former Chief Judge Diane Wood. App. 110a-111a. The Seventh Circuit affirmed on different grounds. *Contra.* app. 218a *with* 204a-10a. Antonacci petitioned this Court for writ of certiorari. *Antonacci v. City of Chicago*, Sup. Ct. No. 15-1524. App. 111a, 174a-482a.

A few weeks before Antonacci's SCOTUS petition was denied, and the evening away and said "IM GOING TO KILL YOU!" and before he had an international flight, Antonacci was dining outside with his pregnant girlfriend and some friends when Defendant Derran Eaddy ran up to their table and started screaming "YOU'RE ALL PRIVILEGED WHITE PIECES OF SHIT!" App. 111a. When Antonacci rose to protect his pregnant girlfriend, Eaddy pulled out his phone and started recording him, clearly race-baiting Antonacci. *Id.* When Antonacci did not take the bait, Eaddy put his phone punched Antonacci in the nose. App. 112a.

Antonacci began pummeling Eaddy when several DC Metro cops pulled him off Eaddy and arrested Eaddy, who

was not charged with a hate crime, but only simple assault, despite calling Antonacci a "white piece of shit" and expressly telling Antonacci he was attempting to murder him. App. *Id*. Eaddy is a middle-aged, African American man and a strategic communications professional representing VA contractors, like Storij, and was paid or otherwise incentivized to perform these criminal acts. *Id*. Eaddy is married to a white woman. *Id*.

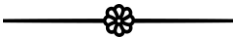
On June 18, 2024, exactly one week after perfecting the underlying appeals, the defendants tried to murder him again, this time with a motor vehicle while he was cycling. App. 660a-62a.

The respondents have therefore used the enterprise unlawfully to engage in a pattern of racketeering activity, and they present a clear threat of continued racketeering activity. App. 64a-7a, 135a-6a, 143a, *inter alia*. The respondents invested, participated in, and conducted the affairs of this criminal enterprise by committing numerous acts of mail fraud, wire fraud, obstruction of justice, and interstate or foreign travel or transportation in aid of racketeering enterprises, in violation 18 U.S.C. §§1341, 1343, 1503, 1952, as well as attempting to murder Antonacci twice. App 136a-43a, 660a-2a. The respondents also conspired to commit several other predicate acts of "racketeering activity," as specifically enumerated in Section 1961(1) of RICO, including 18 U.S.C. §1951 (Hobbs Act Extortion), and 720 ILCS 5/12-6 (Illinois Intimidation, "extortion" under Illinois law and punishable by imprisonment for more than one year). App.144a-53a.

The enterprise has engaged in long-term, habitual criminal activity, and because it unlawfully manipulates legal processes and has targeted Antonacci for approximately 15 years, it necessarily presents a clear threat of continued racketeering activity. Antonacci was injured by the respondents' violations of federal criminal law, vis-à-vis the enterprise, in the amount of $35,000,000, plus treble and

punitive damages.

In furtherance of this enterprise's goals, Storij gained unauthorized access to Antonacci's protected computer systems to steal and exploit Antonacci's data, and monitor him, in violation of 18 U.S.C. §1030. App. 107a-8a, 125a-6a, 169a, 171a-2a.



REASONS FOR GRANTING THE PETITION

The Court should grant this petition because the lower courts have decided an important federal question in a way that conflicts with relevant decisions of this Court, most notably *Bell v. Hood*, 327 U.S. 678, 682-83 (1946). The Virginia State Bar is relying on the district court's unfounded vitriol, and that of the federal courts in Chicago, in order to persecute Antonacci. in retaliation for his protected speech, for conduct that no reasonably intelligent lawyer could deem professional misconduct, and is therefore a willful denial of due process. In addition, the lower courts denied Antonacci the right to be heard at a meaningful time and in a meaningful manner, and therefore denied him due process of law under the United States Constitution. Similarly, the lower courts deviated so far from the usual course of judicial proceedings as to call for this Court to exercise its supervisory power. Finally, granting this petition will aid this Court's appellate jurisdiction over long-term racketeering activity perpetrated by corrupt lawyers and politicians, which poses an acute, systemic threat to the rule of law and therefore the stability of this republic.

I. THE DISTRICT COURT HAS JURISDICTION UNDER 28 U.S.C. §1331

Like the Northern District of Illinois in *Antonacci v. City of Chicago*, 2015 WL 13039605 (N.D. Ill. May 5, 2015)

(app. 235a-9a) and the Seventh Circuit in *Antonacci v. City of Chicago*, 640 F. App'x 553 (7th Cir. 2016) (app. 221a-9a), the district court went out of its way to get everything wrong here, so some basic facts and legal principles should be clarified. This Court's review of the complaint is *de novo*.

At the outset, it should be noted that the federal courts' decisions in Chicago have no precedential value for two reasons. First, those opinions are unpublished. *See Hall v. United States*, 44 F.4th 218, n.11 (4th Cir. 2022); *see also Bankers Tr. Co. v. Old Republic Ins. Co.,* 7 F.3d 93, 94–95 (7th Cir. 1993). Second, Antonacci's 2015 complaint was dismissed for want of subject matter jurisdiction, and thus res judicata does not apply. *Costello v. United States,* 365 U.S. 265, 285 (1961); *see also Prakash v. Am. Univ.*, 727 F.2d 1174, 1182 (D.C. Cir. 1984). Those opinions are only noteworthy to the extent their reasoning is persuasive, and as will be further discussed below, their reasoning is neither sound nor valid, and therefore only probative as to the influence of this criminal enterprise.

Of the thirteen defendants in this case, the three defendants represented by Perkins Coie (who is also proceeding *pro se*) are the only repeat defendants from Antonacci's 2015 case, in which there were nine other defendants not present here. *Contra.* App. 60a-63a *with* App. 386a-449a.[1] The district court therefore erred in reasoning that "most of [the instant defendants] were defendants in the previous federal case." App. 18a.

The district court also erred in reasoning that "this suit mirrors Antonacci's previous federal suit. Antonacci brings roughly identical allegations concerning all events prior to his previous federal suit." *Id*. In so doing, the district court relied on the affidavit filed by Perkins Coie lawyer

[1] Respondent Rahm Emanuel was Mayor of the City of Chicago, which was a defendant. All acts committed by the City of Chicago alleged in that complaint were at the direction of Rahm Emanuel.

Barak Cohen, who served Antonacci with a Rule 11 motion he did not have the credibility to file.

In reality, however, the initial 100 allegations of the instant complaint, detailing "the events prior to his previous federal suit," appear nowhere in the 2015 complaint. *Contra.* App.64a-83a *with* 386a-449a. There Antonacci details how Paul Kiernan, Stephen Shapiro, and Rahm Emanuel targeted Antonacci after he prevailed on a RICO case, in the Eastern District of Virginia, against another attorney in their criminal enterprise, Gerald I. Katz, who was subsequently disbarred. *Bovis Lend Lease, Inc. v. Waterford McLean LLC et al*, 1:09-cv-00927 LMB-TRJ (E.D.Va. 2009).

Antonacci's 2015 complaint, which was filed with the instant complaint as part of Antonacci's SCOTUS Petition (app. 386a-449a), contained 295 paragraphs and no exhibits. The instant complaint contains 547 discrete allegations substantiated with 11 exhibits. The allegations from paragraphs 100 to 243, detailing how this criminal enterprise sabotaged Antonacci's state court case in Illinois and prevented his bar licensure there, are somewhat duplicative of his federal case in Chicago.

In just one paragraph (app. 19a), the district court summarily dismisses as "implausible" the allegations from paragraphs 253 to 405, which detail the respondents' obstruction of justice in Antonacci's federal case, the AECOM Fraud, Shaun So's human intelligence work on Antonacci and Richard Wheeler's cyberespionage via their hiring of Antonacci's law firm for "government contracts work" they clearly fabricated, and how the enterprise coordinated these efforts with the strategic communications respondents Fusion GPS, FTI, and ROKK, and amplified its defamation apparatus through both Antonacci's derelict and degenerate family members[2], and Firmender's Georgetown

[2] The Virginia State Bar's "investigator," Mr. Robert Graves, only interviewed two people besides Antonacci (who was subpoenaed) in his

classmate and old family friend of Antonacci, Stephen Lombardo III. App. 107a-35a.

The district court erred in adopting the unreasoned conclusion of the Seventh Circuit that it lacked jurisdiction, under the U.S. Supreme Court's decision in *Bell v. Hood*, 327 U.S. 678, 682-83 (1946), because Antonacci's RICO and CFAA allegations are neither "wholly insubstantial" nor "legally frivolous." App. 19a. Antonacci has once again alleged plausible facts, this time with substantiating exhibits, demonstrating every element of his claims. And contrary to the district court's false claim that the Northern District of Illinois dismissed under *Bell* (JA850), that court nowhere cited *Bell*, but incorrectly relied on *Twombly* and *Iqbal*, so the Seventh Circuit affirmed on different grounds. *Contra*. App. 236a-9a with app. 222a-3a.

Bell is an old case that has been applied pretty consistently over the past 80 years, so it is unclear why the district court copied the Seventh Circuit's erroneous conclusion. The Fourth Circuit has even recently adopted the reasoning put forth by Antonacci in his SCOTUS

"investigation" of Shaun So's bar complaint: Shaun So and Tony Antonacci. Tony Antonacci, a lifelong Chicago resident and the petitioner's younger brother of two years, is a high school dropout who has been treated for myriad psychological and behavioral disorders throughout his life, as alleged in the complaint. As also alleged in the complaint, Tony Antonacci has been destitute most of his adult life, and so agreed to defame his older brother in exchange for funding and promotion of a restaurant. That Mr. Graves even chose to interview him demonstrates the vindictiveness of the Virginia State Bar's prosecution of Antonacci. Relatedly, Mr. Graves, a former FBI agent and military intelligence officer, like Shaun So, is a convicted felon. He was found guilty of defrauding elderly nursing home residents out of 1.3 million dollars. Mike Nachmanoff was his federal public defender. *U.S. v. John Robert Graves*, EDVA 3:11-cr-00246-JRS-1, aff'd USCA4 case no. 12-5037. This enterprise's entire strategy, if you can call it that, is to recruit the most unscrupulous and compromised people it can find, because they are easily exploitable, to undermine Americans who advocate for the rule of law.

Petition for reversal of the Seventh Circuit's dismissal of his RICO claims (app.200a-1a): "'the failure to state a proper cause of action calls for a judgment on the merits and not for a dismissal for want of jurisdiction.'" *Amazon.com, Inc. v. WDC Holdings LLC*, No. 20-1743, 2021 WL 3878403 at *5 (4th Cir. Aug. 31, 2021) (quoting *Bell*, 327 U.S. at 682, to reverse and remand dismissal of Amazon's RICO claims).

The district court in this case, in its five-page opinion dismissing a complaint containing 547 allegations substantiated with 11 exhibits, explicitly addressed Antonacci's allegations by deliberately misconstruing them. But, like the Seventh Circuit, even the district court's efforts to misconstrue and minimize those allegations demonstrate that it has jurisdiction because "'the absence of a valid (as opposed to arguable) cause of action does not implicate subject-matter jurisdiction, i.e., the court's statutory or constitutional *power* to adjudicate the case.'" *DiCocco v. Garland*, 52 F.4th 588, 591 (4th Cir. 2022) (quoting *Verizon Md. Inc. v. Pub. Serv. Comm'n of Md.*, 535 U.S. 635, 642–43 (2002)).

The Seventh Circuit attempted to give its opinion some credibility by falsely claiming that Antonacci failed even to allege a "pattern" of racketeering activity, which is an essential element of a RICO claim:

> First, even though his RICO allegations describe specific actions undertaken by specific defendants on certain dates, it takes more than that to allege a plausible conspiracy. The allegations fall far short of meeting the stringent pleading requirements of a civil RICO claim, which requires among other things an allegation of a pattern of racketeering activity that shows either closed-ended or open-ended continuity. *Jennings v. Auto Meter Prods., Inc.*, 495 F.3d 466, 472-73 (7th Cir. 2007). Antonacci's

> complaint comes nowhere close to meeting this standard. He seems to be thinking of a closed-ended pattern, because by now the alleged racketeers have succeeded in both sabotaging his state-court lawsuit and his bar application. But the entire scheme lasted only 21 months, giving Antonacci the benefit of the doubt, and we have repeatedly found that the combination of such a short period with only a single victim of a single scheme is insufficient as a matter of law. *Gamboa v. Velez*, 457 F.3d 703, 709-10 (7th Cir. 2006) (collecting cases). Nothing but sheer speculation would support the hypothesis of open-ended continuity, either.

App. 227a.

That did not age well. And Antonacci did, in fact, allege in his 2015 complaint that this enterprise presents a clear threat of continued racketeering activity (app. 438a), and argued as much in his Seventh Circuit Briefs and his SCOTUS Petition App 201a-11a. And as alleged in the instant complaint, the respondents continue to demonstrate that their enterprise is open-ended. App 64a-7a, 135a-6a, 143a-5a. So while the district court baldly claims to follow the Chicago courts' "reasoning," while nonetheless misapplying it, their reasoning is neither sound nor valid and therefore amounts only to reversible error. *See Hall,* 44 F.4th 218 n.11; *see also Bankers Tr.,* 7 F.3d at 94-95; *see also Costello*, 365 U.S. at 285; *see also Prakash*, 727 F.2d at 1182.

The district court has subject matter jurisdiction, pursuant to 28 U.S.C. §1331, because Antonacci states claims under 18 U.S.C. §§1962 and 1030 with the particularity required by Rule 9(b): "business conspiracy, like fraud, must be pleaded with particularity." *Gov't Emples. Ins. Co. v. Google, Inc.*, 330 F.Supp.2d 700, 706 (E.D.Va.2004). Antonacci's complaint gives the Defendants

"fair notice of the claims and the grounds upon which they rest." *Adams v. NaphCare, Inc.*, 243 F. Supp. 3d 707, 711 (E.D. Va. 2017); *see also Venkatraman* v. REI Sys., Inc., 417 F.3d 418, 420 (4th Cir. 2005). Like the complaint in *NaphCare*, Antonacci's "allegations are neither vague nor conclusory, but specific and thorough, with sufficient factual content to allow these Defendants to answer them." *NaphCare,* 243 F. Supp. 3d at 711.

"Among other things, RICO prohibits being 'associated with any enterprise ... [and] conduct[ing] or participat[ing] ... in the conduct of such enterprise's affairs through a pattern of racketeering activity.' 18 U.S.C. §1962(c). To allege 'a pattern of racketeering activity,' a plaintiff must allege acts of racketeering that are both related and continuous." *CVLR Performance Horses, Inc. v. Wynne*, 524 F. App'x 924, 928–29 (4th Cir. 2013) (*quoting GE Inv. Private Placement Partners II v. Parker,* 247 F.3d 543, 549 (4th Cir.2001)).

The continuity requirement of a RICO enterprise may be closed-ended or open-ended. *CVLR,* 524 F. App'x at 928. This holds that "a plaintiff establishes open-ended continuity by showing 'past conduct that by its nature projects into the future with a threat of repetition.'" *Id.* (quoting *H.J. Inc. v. Nw. Bell Tel. Co.,* 492 U.S. 229, 248 (1989). Specifically, Antonacci has alleged the defendants invested, participated in, and conducted the affairs of this criminal enterprise by committing numerous acts of mail fraud, wire fraud, obstruction of justice, interstate or foreign travel or transportation in aid of racketeering enterprises, in violation 18 U.S.C. §§1341, 1343, 1503, 1952, as well as attempting to murder Antonacci. App. 134a-44a. Antonacci's conspiracy claim also alleges violations of 18 U.S.C. §1951(1) and 720 ILCS 5/12-6. App. 147a-50a.

Antonacci has pled a valid RICO conspiracy (app. 126a-35a) because he has easily established both requisite elements as to each of the defendants: "(1) that two or more

people agreed that some member of the conspiracy would commit at least two racketeering acts (i.e. a substantive RICO offense) and, (2) that the defendant knew of and agreed to the overall objective of the RICO offense. A plaintiff may prove such an agreement solely by circumstantial evidence." *Borg v. Warren*, 545 F. Supp. 3d 291, 319 (E.D. Va. 2021); (citing *United States v. Cornell*, 780 F.3d 616, 623 (4th Cir. 2015)).

Moreover, "a defendant who agrees to do something illegal and opts into or participates in a [RICO] conspiracy is liable for the acts of his coconspirators even if the defendant did not agree to do or conspire with respect to that particular act." *Hengle v. Asner*, 433 F. Supp. 3d 825, 892–93 (E.D. Va. 2020) (parentheticals in original), aff'd sub nom. *Hengle v. Treppa*, 19 F.4th 324 (4th Cir. 2021). Every defendant in this case is liable for each and every act of his co-conspirators: "coconspirators may be held vicariously liable for those independent acts until the object of the conspiracy has been achieved or the coconspirators effectively withdraw from or abandon the conspiracy." *Hengle*, 433 F. Supp. 3d at 893.

As for the CFAA, Antonacci has alleged more than adequate facts alleged to demonstrate that Shaun So and Richard Wheeler are precisely the type of opportunists this enterprise would utilize to exploit Storij's fiduciary relationship with Antonacci's law firm and gain unauthorized access to his protected devices. App. 107a-8a, 123a, 125a-27a, 171a-2a. That Shaun So filed a bar complaint against Antonacci, rather than proceed under Rule 11, which would have allowed Antonacci discovery, further demonstrates that Shaun So and Richard Wheeler are sufficiently devoid of character to commit the acts of treason alleged. Counts I, II, and V state valid claims for relief under federal law.

II. THE WRIT SHOULD BE GRANTED BECAUSE ANTONACCI IS BEING DENIED DUE PROCESS OF LAW BY BOTH THE LOWER COURTS AND THE VIRGINIA STATE BAR

Antonacci is clearly under attack for exercising his protected speech by asserting claims for racketeering activity perpetrated against him by deep state tools of, and a criminal enterprise associated with, the Democratic National Committee. This violates the due process and free speech protections in both the U.S. and Virginia Constitutions, which are fundamental to the proper functioning of the Commonwealth of Virginia and these United States. U.S. Const. Amends. I, V, and XIV; Va. Const. Art. I, Section 11; Va. Const. Art. I, Section 12; *Mathews v. Eldridge,* 424 U.S. 319, 334 (1976); *FCC v. Fox Television Stations, Inc.*, 567 U.S. 239, 253-54 (2012); *Vlaming v. W. Point Sch. Bd.*, 302 Va. 504, 573–76, 895 S.E.2d 705, 743 (2023). Antonacci also has a constitutional right to adjudicate his claims before the jury he demanded; a right he is being denied by the Virginia State Bar. U.S. Const. Amend. VII; Va. Const. Art. I, Section 11.

"The fundamental requirement of due process is the opportunity to be heard 'at a meaningful time and in a meaningful manner.'" *Mathews*, 424 U.S. at 333 (1976) (quoting *Armstrong v. Manzo*, 380 U.S. 545, 552 (1965). To that end, "due process requires a 'neutral and detached judge in the first instance.'" *Concrete Pipe & Products of California, Inc. v. Constr. Laborers Pension Trust for S. California*, 508 U.S. 602, 617 (1993) (quoting *Ward v. Village of Monroeville*, 409 U.S. 57, 61-62 (1993). "Even appeal and a trial *de novo* will not cure a failure to provide a neutral and detached adjudicator." *Concrete Pipe,* 508 U.S. at 618. "'[J]ustice,' indeed, 'must satisfy the appearance of justice, and this stringent rule may sometimes bar trial [even] by judges who have no actual bias and who would do their very best to weigh the scales of justice equally between contending parties.'" *Id.* (quoting *Marshall v. Jerrico, Inc.,*

446 U.S. 238, 243 (1980)).

The district court denied Antonacci due process of law because it demonstrated that there is simply nothing Antonacci can say or do to prosecute his claims against the respondents. First, Nachmanoff dismissed Antonacci's well-pleaded allegations summarily as "implausible," when Antonacci had served discrete Requests for Admission that sought to address that very issue. If Judge Nachmanoff was seriously concerned about the plausibility of Antonacci's allegations, or even the appearance of justice, then he would have required the respondents to answer Antonacci's discrete requests for admission. Antonacci included his Requests for Admission, and his argument as to why they were germane to the issue of plausibility, in his response to each of the respondents' motions to dismiss. Judge Nachmanoff's denial of Antonacci's objections as "moot" is disingenuous – he was briefed on the issue and his subsequent denial is therefore irrational and more than an abuse of discretion.

Second, it canceled the hearing on the respondents' motions to dismiss after Antonacci briefed his oppositions. Third, Nachmanoff denied leave to amend the complaint to cure any purported deficiencies. Fourth, he issued a facially absurd, five-page opinion, dismissing a well-articulated and substantiated complaint for lack of jurisdiction, despite it plainly alleging all the elements of every cause of action therein. Magistrate Vaala then denied entry of default against Fusion GPS, despite there being no dispute they are in default.

The district court effectively ruled that there is nothing Antonacci can say or do to seek justice against the respondents. The district court made no attempt to get at the truth of Antonacci's allegations, but rather went out of its way to ensure these respondents do not have to answer for their crimes. Our Constitution commands better. U.S. Const. Amends. I, V, and XIV; Va. Const. Art. I, Section 11; Va. Const. Art. I, Section 12; *Matthews*, 424 U.S. at 334; *Fox*

Television, 567 U.S. at 253-54; *Vlaming*, 302 Va. at 573–76.

And this enterprise's lawfare did not stop at the district court. Just before the district court dismissed the case, the Virginia State Bar served Antonacci with Shaun So's bar complaint, despite that it did not even allege misconduct under the Virginia Rules of Professional Conduct. Va. R. Sup. Ct. 1.6(b)(2).[3] The Virginia State Bar then began its "investigation" and the Fourth Circuit deliberately held up Antonacci's appeal to give the Virginia State Bar the opportunity to unconstitutionally persecute Antonacci for his protected speech against this criminal enterprise.

To be clear, the Virginia State Bar is pursuing its political persecution of Antonacci based solely on Antonacci's allegations in his complaint, which the district court incorrectly ruled were "frivolous." While that cannot constitute misconduct under the Virginia Rules of Professional Conduct in any case, and the Virginia State Bar's proceedings against Antonacci constitute a denial of due process of law, reversal of the lower courts should eliminate the need for further proceedings on Mr. So's bar complaint.

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[3] While Shaun So and Richard Wheeler will boast about their military intelligence experience to anyone who will listen, Va. Sup. Ct. Rule. 1.6(b)(2) allows Virginia lawyers to reveal "confidential" information to establish a claim or defense against that client, as Antonacci has done here. No reasonably intelligent lawyer or layperson could read the Virginia Rules of Professional Conduct and reason they could be liable for misconduct for filing a well-pleaded lawsuit against their former client. Those proceedings therefore deny Antonacci due process of law. *Fox Television*, 567 U.S. at 253-54 (recognizing that the "requirement of clarity in regulation is essential to the protections provided by the Due Process Clause" and that "[w]hen speech is involved, rigorous adherence to [due-process] requirements is necessary to ensure that ambiguity does not chill protected speech"). And because they are clearly willful acts on the part of Robert Graves and Richard Johnson, the Assistant Bar Counsel prosecuting the action, it also violates federal criminal law. 18 U.S.C. §§241, 242.

Antonacci will reiterate that neither Storij nor any of the other respondents had the credibility to file a Rule 11 motion in the district court. Further demonstrating the hypocrisy of the Virginia State Bar and Mr. So, Storij never even sought to seal the complaint or strike any of the allegations they now claim reveal "confidential" and "sensitive" information about Mr. So and Mr. Wheeler. All the remedies Shaun So seeks are available to him in the district court, of which he has tellingly not availed himself. The Virginia State Bar continues its prosecution nonetheless.

Indeed, the Virginia State Bar argued in the Supreme Court of Virginia that Richard Wheeler and Shaun So's acts of treason against their country and the petitioner constitute sensitive information that Antonacci does not have the right to disclose in a court proceeding. App. 668a-70a. As Hannah Arendt sagely surmised: "When Hitler said that a day would come in Germany when it would be considered a disgrace to be a jurist, he was speaking with utter consistency of his dream of a perfect bureaucracy." HANNAH ARENDT, EICHMANN IN JERUSALEM: A REPORT ON THE BANALITY OF EVIL 290 (Penguin Books 1994) (1963).

The Fourth Circuit deliberately held up Antonacci's appeal for ten months, until Antonacci filed a petition for writ of mandamus in this Court. It then issued a one-paragraph order affirming the district court because it found "no reversible error." Not only is the Fourth Circuit plainly wrong, but their deliberate delay, forcing Antonacci to petition this Court for a writ of mandamus, in conjunction with the biased and prejudicial proceedings in the district court, and the Virginia State Bar's unconstitutional attack on Antonacci's bar license, reflect such a disregard for Antonacci's constitutional rights as to amount to a denial of due process.

The record of these proceedings, from 2009 to the present, undermines the credibility of the American legal

profession, which seems to be the end goal of this enterprise. They are obfuscating the fundamental distinction between the rule of law and rule by law, the latter of which is practiced by totalitarian governments. The United States of America is a constitutional, democratic republic of laws. The respondents' proffered alternative is an authoritarian race to the bottom. It should end now.

CONCLUSION

President Trump was right to designate Perkins Coie LLP a threat to our national security. That firm, together with their former General Counsel, Matt Gehringer, their client Rahm Emanuel, and the H&K Defendants, have been attacking Antonacci and the integrity of the legal profession for over a decade. The reason is simple: If they lower every lawyer in America to their level, then anything goes.

Antonacci said it in his 2016 SCOTUS petition and he will say it again now: Integrity is the backbone of professional ethics and this profession cannot function without it. The respondents' poisoning of the legal profession has infected our entire government. The most obvious proof of that broad assertion is seen in the staggering amount of waste, fraud, and abuse uncovered by the Department of Government Efficiency to date.

It is time to clean house. In accordance with this Court's decision in *Bell*, 327 U.S. 678, this Court should reverse the decisions of the lower courts here, and the federal courts in Chicago, to prevent the respondents from normalizing the fraud, racketeering, and illegal surveillance proscribed by RICO, the CFAA, and myriad other criminal laws.

Accordingly, Antonacci respectfully requests this Court grant certiorari and issue summary disposition on the merits, pursuant to Rule 16.1, reverse the lower courts and overrule the unfounded opinions of the federal courts in Chicago, vacate the judgments of both the Fourth Circuit and the Northern District of Illinois, order the respondents to answer Antonacci's requests for admission within seven days, order the district court clerk to enter default against BEAN LLC d/b/a Fusion GPS, and order the district court to reassign this case on remand.

Respectfully submitted,

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